

## **EXHIBIT A –CEQA FINDINGS AND OVERRIDING CONSIDERATIONS**

### **I. PROJECT DESCRIPTION**

The Countywide Water Conservation Program (Program) includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations, and is comprised of two separate components.

The first major component of the Program is Water Neutral New Development (WNND). WNND would require that all new urban and rural development and new irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) and all new urban and rural development in the Nipomo Mesa Water Conservation Area offset new water use at a 1:1 ratio. Offset requirements for new urban and rural development will be implemented by generating credits through two primary methods: plumbing retrofits and a turf removal incentive (Cash for Grass) program. The proposed offset requirements for new urban and rural development in the Paso Robles Groundwater Basin would have a sunset provision upon final approval of a Groundwater Sustainability Plan(s) by a local Groundwater Sustainability Agency or Agencies covering the entirety of the Paso Robles Groundwater Basin, prepared pursuant to the Sustainable Groundwater Management Act. WNND also requires that, in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), all new or expanded irrigated agriculture offset new water use at a 1:1 ratio. The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agriculture offset requirement, and is intended to substantially reduce increases in groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) only. The proposed Agricultural Offset program would have a sunset provision upon final approval of a Groundwater Sustainability Plan(s) by a local Groundwater Sustainability Agency or Agencies covering the entirety of the Paso Robles Groundwater Basin, prepared pursuant to the Sustainable Groundwater Management Act.

The second major component of the overall Program is the Water Waste Prevention (WWP) program. The WWP program would apply to all existing and proposed urban and rural development within the unincorporated areas of the county where a water purveyor does not already have a similar ordinance (or other comparable program) in place. Provisions to reduce agricultural water waste would be limited to clarifications of policies and implementation measures found in the Agriculture Element of the General Plan, which would include best management practices as well as implementation of an educational outreach program. The proposed Program and alternatives are described in more detail in the Conservation and Open Space Element Final and Draft Supplemental EIR (SEIR), and Appendices thereto.

The County of San Luis Obispo Staff recommends the proposed Program (for which these CEQA Findings are prepared). As discussed in Section 5.0 (Alternatives) of the SEIR, the Altered Sunset Provision Alternative was determined to potentially be the environmentally superior alternative, depending on the sunset condition selected.

The proposed Program is described in more detail in the Staff Report accompanying these findings.

### **II. THE RECORD**

For the purposes of CEQA and the Findings IV-VI, the record of the Board of Supervisors relating to the application includes:

## Exhibit A: CEQA Findings

1. Documentary and oral evidence received and reviewed by the Board of Supervisors during the public hearings on the Program.
2. The Conservation and Open Space Element Final Supplemental EIR (July 2015).
3. The Countywide Water Conservation Program Staff Report prepared for the Board of Supervisors.
4. Study Sessions during Planning Commission Hearings on the Countywide Water Conservation Program and the Conservation and Open Space Element Final Supplemental EIR (May, June, July, and August 2015).
5. The Countywide Water Conservation Program Staff Reports prepared for the Planning Commission (July and August 2015)
6. Matters of common knowledge to the Board of Supervisors which it considers, such as:
  - a. The County General Plan, including the land use maps and elements thereof;
  - b. The text of the Land Use Element and Agriculture Element;
  - c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
  - d. The County of San Luis Obispo Environmental Quality Act Guidelines;
  - e. The County Biennial Resources Summary Report;
  - f. The County Resource Capacity Studies: Water Supply in the Nipomo Mesa Area, Water Supply in the Los Osos Area, and Water Supply in the Paso Robles Groundwater Basin;
  - h. The SLO County Public Facilities Financing Plan;
  - j. The Countywide Smart Growth Ordinance;
  - k. The Countywide Growth Management Ordinance;
  - l. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances; and
  - m. Additional documents referenced in the Final Supplemental EIR for the Conservation and Open Space Element.

### **III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

The Board of Supervisors certifies the following with respect to the Conservation and Open Space Element Final Supplemental EIR:

- A. The Board of Supervisors has reviewed and considered the Final Supplemental EIR for the Conservation and Open Space Element.
- B. The Final Supplemental EIR for the Conservation and Open Space Element has been completed in compliance with the California Environmental Quality Act.
- C. The Final Supplemental EIR, and all related public comments and responses have been presented to the Board of Supervisors, and they have reviewed and considered the information contained in the Final Supplemental EIR and testimony presented at the public hearings prior to approving the Countywide Water Conservation Program.
- D. The Final Supplemental EIR for the Conservation and Open Space Element reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the project.

#### **IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)**

*The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.*

##### **A. Aesthetics (Class III)**

1. **Scenic vistas, scenic resources, and visual character.** The proposed Agricultural Offset program could result in the partial or complete fallowing of some agricultural lands. However, the presence of fallowed land is a regular part of the pastoral landscape and would therefore not represent a substantial change in the visual character of the county. Furthermore, the proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific aesthetic impacts would be addressed. Impacts of General Plan buildout were previously addressed in the 2009 Conservation and Open Space Element EIR and therefore would not require additional environmental review. Impacts would be less than significant.
2. **Light and glare.** The proposed Program would not directly result in new sources of light and glare. WNND requirements may facilitate new urban and rural development with new sources of light in areas of the county certified at LOS III for water supply, if that development could offset its water use by a ratio of 1:1. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

##### **B. Agricultural Resources (Class III)**

1. **Impact AG-1: Conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use.** The Agricultural Offset program component of the Countywide Water Conservation Program could result in the fallowing of agricultural fields within the Paso Robles Groundwater Basin only (excluding the Atascadero Sub-basin). However, fallowing of agricultural land is a common occurrence, and would not be considered a change in land use. Further, the proposed Agricultural Offset program would not alter existing land use or zoning designations, nor facilitate development on agricultural land. Thus, the Agricultural Offset program would not convert agriculture (including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to non-agricultural use, and impacts would be less than significant (Class III).
2. **Impact AG-2: Conflict with existing zoning for agricultural use.** Implementation of the proposed Countywide Water Conservation Program would not result in a net decrease in the amount of designated agricultural land in the county, as represented by the Agricultural Resource and Agriculture, Watershed, and Open Space designations on the current San Luis Obispo County General Plan Land Use Map or conflict with existing zoning for agricultural use. Impacts would be less than significant (Class III).

##### **I. Air Quality (Class III)**

1. **Air pollutant emissions and Clean Air Plan consistency.** The proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands. While reduced irrigation and/or fallowing of agricultural lands may temporarily increase the amount of exposed land susceptible to wind-blown fugitive dust within the Paso Robles Groundwater Basin only (excluding the Atascadero Sub-basin), it would not contribute substantially to an existing or projected air quality violation, result in a cumulatively considerable net increase in particulate matter emissions, or expose sensitive receptors to substantial pollutant concentrations. In addition, PM control strategies identified in the San Luis Obispo APCD PM Report would continue to reduce PM emissions within the county. The proposed Program would not result in population growth or contribute to an increase in VMT within the county beyond that accommodated under the existing planning framework. Therefore, the proposed Program would be consistent with the CAP population and VMT assumptions. As such, impacts would be less than significant.
2. **Odors.** The proposed Program would not directly create objectionable odors. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which may create objectionable odors in these areas of the county. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

**J. Biological Resources (Class III)**

1. **Special status plants and animals.** The Agricultural Offset program may result in changes to activities on existing agricultural lands including planting of new crop types, reduced irrigation and/or the partial or complete fallowing of agricultural fields within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). Fallowing of agricultural fields would not result in direct impacts to or loss of habitat for special status animals, nor result in direct impacts to or loss of habitat for special status plants. The proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.
2. **Riparian habitat, sensitive natural communities, and wetlands.** Implementation of the proposed Program would not affect riparian habitat, sensitive natural communities, federally protected wetlands, or other natural areas within the county. While the proposed Program would require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agriculture within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a 1:1 ratio, it would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.
3. **Wildlife movement.** The proposed Program may result in changes to agricultural irrigation patterns and/or the fallowing of agricultural fields overlying the Paso Robles

Groundwater Basin (excluding the Atascadero Sub-basin), which may alter the suitability of the land for wildlife travelling through agricultural fields. While some wildlife may utilize agricultural fields as movement corridors, the fallowing of these fields would not impede or substantially interfere with such movement. Fallowed fields are common aspects of the pastoral landscape and are already present throughout the agricultural areas of the county. As such, fallowing of agricultural fields would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Impacts would be less than significant

4. **Conflicts with local policies or ordinances protecting biological resources.** The San Luis Obispo County Conservation and Open Space Element includes goals, policies, and implementation strategies to identify and protect the county's biological resources. The proposed Program has been developed as a result of the implementation strategies included in the Conservation and Open Space Element, including WR 2.1.2 and WR 4.1.2. In addition, the proposed Program would not alter existing land use or zoning designations nor would it facilitate development beyond that accommodated by the County of San Luis Obispo General Plan and Zoning Ordinance. Future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.
5. **Conflicts with habitat conservation plans.** The County of San Luis Obispo is currently preparing, but has not yet adopted, a Communitywide Habitat Conservation Plan (HCP) for the community of Los Osos. The proposed Program does not include any specific development that would conflict with the provisions of an adopted HCP, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan either in Los Osos or in any other area of the county. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III (including the Los Osos Groundwater Basin), if that development could offset its water use by a ratio of 2:1. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations as well as the provisions of any Habitat Conservation Plan that may be in place at that time. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

#### K. Cultural Resources (Class III)

1. **Archaeological, historical, and paleontological resources.** The proposed Program does not propose any specific development that would cause a substantial adverse change in the significance of a historical, archaeological, or paleontological resource. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use by a 1:1 ratio; however, any development facilitated by these components of the WNND requirements would be subject to existing land use and zoning designations and other County policies related to identification and preservation of archaeological and historic resources. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

**L. Geology/Soils (Class III)**

- 1. Risk of loss, injury, or death involving fault rupture, ground shaking, ground failure, or landslides.** The proposed Program does not propose any specific development that would expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides. WNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III and new or more intensively irrigated agricultural development in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), if that development could offset its water use at a 1:1 ratio. However, any development facilitated by this component of the Program would be subject to existing land use and zoning designations as well as other County policies addressing geologic/soil hazards and the seismic requirements of the Uniform Building Code. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.
- 2. Soil erosion and loss of top soil.** The proposed Program would limit the application of water to outdoor landscapes and require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agricultural development to offset new water use at a 1:1 ratio. The Agricultural Offset program would facilitate the planting of new agriculture on currently uncultivated land and/or the intensification of irrigation on currently cultivated land overlying the Paso Robles Groundwater Basin only (excluding the Atascadero Sub-basin) by allowing the potential grower to purchase water credits from an existing grower. The grower selling the credits would replace, reduce or eliminate crops on his/her property to account for the offset. As such, the proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which could result in increased exposure of topsoil to erosion. While the Agricultural Offset program may result in an increase in the fallowing of some agricultural areas, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. The Program would not substantially increase this practice countywide. Therefore, impacts would be less than significant.
- 3. Unstable soils, expansive soils, and wastewater disposal.** The proposed Program does not propose any specific development that would be located on an unstable geologic unit or soil, expansive soil, or soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. Ground subsidence has been identified in some areas of the county. Groundwater extraction can increase subsidence potential. Because an objective of the proposed Program is to substantially reduce increases in groundwater extraction in basins that have been certified at LOS III, it would decrease potential for ground subsidence in some areas. Any development facilitated by the Program would be subject to existing land use and zoning designations as well as other County policies related geologic and soil hazards. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Therefore, impacts would be less than significant.

**M. Greenhouse Gas Emissions (Class III)**

- 1. Greenhouse gas emissions.** The proposed WWP program would result in a net decrease in water use countywide, but would not alter development potential. A net

decrease in water use would result in decreased energy use, and therefore decreased greenhouse gas emissions. Water conservation is consistent with goals of the San Luis Obispo County EnergyWise Plan. The proposed Program would not result in an increase in greenhouse gas emissions nor would it conflict with the San Luis Obispo County EnergyWise Plan. Impacts would be less than significant.

#### **N. Hazards and Hazardous Materials (Class III)**

1. **Wildland fires.** The proposed Program would not directly place any new habitable structures in high or very high fire risk zones. Where currently irrigated, properties overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) in the high and very high fire hazard zones could be eligible to act as creditor sites under the Agricultural Offset program. Depending on the management regime in place, fallowed fields that are bare or contain a low fuel load could provide a buffer between adjacent wildlands and urban development, and as such would reduce risk of wildland fire to existing adjacent urban development. As a result, the proposed Program would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires and impacts would be less than significant.

#### **O. Hydrology/Water Quality (Class III)**

1. **Alter drainage patterns or create or contribute runoff water.** The proposed Program does not propose any specific development that would alter existing drainage patterns or create or contribute runoff water. However, the proposed Urban/Rural Water Offset requirements would limit the application of water to outdoor landscapes and require new urban and rural development within LOS III groundwater basins to offset new water use at a 1:1 ratio. The proposed Program could result in reduced irrigation and/or fallowing of agricultural lands, which may result in minor changes to drainage and runoff patterns in localized areas, but these would not differ substantially from existing conditions. In addition, the Program does not propose any specific development that would alter existing drainage patterns or create or contribute runoff water. Impacts would be less than significant.
2. **Groundwater supplies.** Because WNND requirements are focused on offsetting future demand, they would neither increase nor decrease water use, on an average basis for both the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) and the Nipomo Mesa Water Conservation Area, over current levels. Rather, they would maintain current water use while allowing for development to occur consistent with the adopted General Plan and Zoning Ordinance. The WWP program would result in a net decrease in water use countywide but would not alter development potential. As such, the overall Program would result in water conservation and would help to reduce the existing strain on the county's groundwater resources. The proposed Program would have a beneficial impact on groundwater resources over the term it is implemented; however, it should be noted that the Agricultural Offset program for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would expire upon final approval of a Groundwater Sustainability Plan (GSP) by a local Groundwater Sustainability Agency or Agencies covering the entirety of the Paso Robles Groundwater Basin, pursuant to the Sustainable Groundwater Management Act. It is currently estimated that the timeframe for development and adoption of a GSP could be 5 to 7 years, and implementation of a GSP could take 20 years. Therefore, the beneficial impacts from maintenance of current water use under the Agricultural Offset Program would end upon final approval of the GSP by a local Groundwater Sustainability Agency or Agencies, and there could be a substantial lag time between approval, adoption, and

implementation of the GSP. It is also unclear whether the GSP would include components to assure the same level of water neutrality as the Agricultural Offset program. But because expiration of the Agricultural Offset program would not create the potential for new or increased impacts above the current baseline, no significant impacts are likely. None of the other components of the Program are subject to a sunset clause and as such the beneficial impacts associated with their implementation would continue indefinitely. Impacts would be less than significant.

3. **Alteration of drainage patterns.** The proposed Program could result in reduced irrigation and/or fallowing of agricultural lands in areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which may result in minor changes to drainage and runoff patterns in localized areas. However, reducing irrigation and fallowing of fields are typical agricultural practices and occur regularly throughout the county. The Program would not substantially increase these practices countywide. Therefore, drainage and runoff patterns in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would not differ substantially from existing conditions as a result of the proposed Program. Impacts would be less than significant.

**P. Land Use (Class III):** No less than significant impacts to Land Use were identified.

**Q. Mineral Resources (Class III):** No less than significant impacts to Mineral Resources were identified.

**R. Noise (Class III):** No less than significant impacts to Noise were identified.

**S. Population and Housing (Class III):** No less than significant impacts to Population and Housing were identified.

**T. Public Services and Utilities (Class III)**

1. **Public services.** The proposed Program would not accommodate additional growth beyond that anticipated by the General Plan and, therefore, would not increase demand for public services or facilities. Implementation of the proposed Program would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Impacts would be less than significant.
2. **Utilities and service systems.** The proposed Program would not accommodate growth beyond that anticipated by the General Plan nor does it propose any specific development projects that would increase wastewater generation, water demand, or stormwater runoff. WNND requirements would require new urban and rural development within certified LOS III groundwater basins and new or more intensively irrigated agriculture within the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) to offset new water use at a 1:1 ratio. The proposed Program does not propose any specific development; however, the Program may facilitate growth anticipated by the General Plan in areas of the county designated at LOS III, if that development could offset its water use. New urban and rural development would continue to be required to demonstrate the availability of sufficient water supplies to serve the project, and would additionally be required to demonstrate compliance with the 1:1 offset ratio. In addition, future development within the county would be subject to individual project review and approval by the County, wherein any project-specific impacts would be addressed. Impacts would be less than significant.

**U. Recreation (Class III)**



1. **Substantially deteriorate existing recreational facilities, or construct recreational facilities.** The proposed Program would not directly generate additional population; therefore, it would not increase the use of neighborhood or regional parks such that substantial deterioration would occur, or such that new or expanded recreational facilities would be needed. The WWP program may limit the application of water to outdoor landscapes in urban and rural areas, which may result in the browning of lawns and other vegetated areas at recreational facilities within the county. However, this would not affect the availability or use of recreational facilities. As such, impacts would be less than significant.

**V. Transportation/Traffic (Class III):** No less than significant impacts to Transportation/Traffic were identified.

**V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)**

*Class II impacts are those which are significant, but can be mitigated to insignificance by implementation of certain required mitigation measures.*

**A. Aesthetics (Class II):** No significant but mitigable impacts to Aesthetics were identified.

**B. Agricultural Resources (Class II)**

1. **Impact AG-3: Conflict with Williamson Act contract.** Implementation of the Countywide Water Conservation Program could result in the fallowing of lands under Williamson Act contract and conflict with the provisions of Williamson Act contracts. The implementation of the mitigation below would ensure that impacts related to Williamson Act consistency would be reduced to a less than significant level.

**a. Mitigation –**

**MM AG-1.** The following provision shall be added to the proposed Agricultural Offset program:

Sending sites providing planting credits shall remain consistent with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act Of 1965.

- b. Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

- c. Supportive Evidence –** Please refer to pages 4.1-13 through 4.1-15 of the Final SEIR.

**C. Air Quality (Class II):** No significant but mitigable impacts to Air Quality were identified.

**D. Biological Resources (Class II):** No significant but mitigable impacts to Biological Resources were identified.

**E. Cultural Resources (Class II):** No significant but mitigable impacts to Cultural Resources were identified.

**F. Geology/Soils (Class II):** No significant but mitigable impacts to Geology/Soils were identified.

**G. Greenhouse Gas Emissions (Class II):** No significant but mitigable impacts to Greenhouse Gas Emissions were identified.

- H. Hazards and Hazardous Materials (Class II):** No significant but mitigable impacts to Hazards and Hazardous Materials were identified.
- I. Hydrology and Water Quality (Class II):** No significant but mitigable impacts to Hydrology and Water Quality were identified.

**H. Land Use (Class II)**

- 1. Impact LU-2: Consistency with applicable policies of the County of San Luis Obispo General Plan or other applicable planning documents.** The proposed Countywide Water Conservation Program would be potentially consistent with applicable policies of the County of San Luis Obispo General Plan or other applicable planning documents. Though potential minor inconsistencies with aspects of some policies could occur, feasible mitigation measures to address these potential inconsistencies have been required and are detailed in Section 4.1 of the Final SEIR for the Conservation and Open Space Element. With implementation of this measure, impacts associated with potential policy inconsistency would be less than significant.

**a. Mitigation –**

**MM AG-1 –** The following provision shall be added to the proposed Agricultural Offset program:

Sending sites providing planting credits shall remain consistent with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act Of 1965.

**b. Findings –** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

**c. Supportive Evidence –** Please refer to pages 4.2-9 through 4.2-30 of the Final SEIR.

- I. Mineral Resources (Class II):** No significant but mitigable impacts to Mineral Resources were identified.
- J. Noise (Class II):** No significant but mitigable impacts to Noise were identified.
- K. Population and Housing (Class II):** No significant but mitigable impacts to Population and Housing were identified.
- L. Public Services and Utilities (Class II):** No significant but mitigable impacts to Public Services and Utilities were identified.
- M. Recreation (Class II):** No significant but mitigable impacts to Recreation were identified.
- N. Transportation/Traffic (Class II):** No significant but mitigable impacts to Transportation/Traffic were identified.

**VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)**

*The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:*

- A.** No significant and unavoidable (Class I) impacts were identified.

**VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

- A. The proposed Program would not result in any significant, unmitigable, or unavoidable adverse effects. Therefore, a statement of overriding considerations is not required.

## VIII. REJECTION OF ALTERNATIVES

Alternatives. The Board of Supervisors considered four alternatives, including the required No Project Alternative. Of these, the Final SEIR identified the Altered Sunset Provisions Alternative as the environmentally superior alternative.

Pursuant to CEQA, the Board of Supervisors considered the following alternatives to the proposed Program as described in the Final SEIR, which would reduce or avoid project-specific and cumulative impacts, and rejected them as infeasible as follows:

- **Alternative 1 No Project.** Under the No Project Alternative, no amendments to the Agriculture Element, Conservation and Open Space Element, or County Code would be made and implementation of the Countywide Water Conservation Program would not occur. Because WNND requirements would not be implemented, water offset requirements for new urban and rural development overlying groundwater basins certified at LOS III for water supply or new or more intensively irrigated agriculture overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would be subject to existing requirements, as described in Section 2.0 of the Final SEIR.

As described in Section 5.0 of the Final SEIR, because the WWP program would not be implemented under this alternative, water wasting would not be prohibited within unincorporated areas of the county where such an ordinance (or other comparable program) is not already in place. Thus, the No Project Alternative would be expected to result in more wasteful water practices than the proposed Program. In addition, this alternative would not accomplish the objectives of the proposed Program, including substantially reducing increases in groundwater extraction in certified LOS III groundwater basins, reducing the wasteful use of water in the county and providing a mechanism for new urban and rural development to proceed in certified LOS III groundwater basins and new or expanded agriculture to proceed in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) in a manner that fully offsets projected water use. Therefore, this alternative was rejected as infeasible.

- **Alternative 2 Larger Offset Requirement.** The Larger Offset Requirement Alternative would modify the proposed WNND requirements for new urban and rural development in groundwater basins certified at LOS III for water supply to offset water use at a ratio of 2:1 rather than 1:1. In addition, new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would be required to offset water use at a ratio of 2:1 rather than 1:1, as is currently proposed. This alternative would also require that, in order to calculate the 2:1 ratio requirements for agricultural irrigation water, the low end of the range for water use by crop provided in the proposed Agricultural Offset program (see Table 2-3 in Section 2.0 of the Final SEIR) be used to calculate water use on the sending site (i.e. the location providing the offset) and the high end of the range for water use be used for the crop on the receiving site. In this way, the Larger Offset Requirement Alternative would further serve to limit depletion of groundwater in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin).

Similar to the proposed Program, the agricultural water offset requirement in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would be extended beyond the expiration date of the Paso Robles Groundwater Basin Urgency Ordinance. This alternative would also extend the requirement to offset non-agricultural water use to all three currently certified LOS III groundwater basins. The methods of offsetting water use would be the same as the proposed Program, including: plumbing retrofits, turf removal, and transferring water credits between landowners. However, the amount of the offset required under this alternative would be increased compared to the proposed Program.

The WWP program would not be modified under this alternative; implementation would be similar to the proposed Program.

The Larger Offset Requirement Alternative is considered environmentally superior for one issue area. Because this alternative would reduce water demand in the certified LOS III groundwater basins (rather than being water demand neutral, as with the proposed Program), it would be potentially more consistent with the County's land use policy framework that promotes water conservation. However, because more agricultural land could be fallowed as a result of this alternative, impacts related to agricultural resources would be greater than for the proposed Program (though they would continue to be less than significant).

- **Alternative 3 Expanded Agricultural Offset Program.** The agricultural water offset component of this alternative is based on the offset program originally proposed by the Upper Salinas – Las Tablas Resource Conservation District (RCD) for the Paso Robles Groundwater Basin. Under this alternative, all of the original provisions of that program would be applied rather than the simplified version included in the proposed WNND requirements. Under this alternative credits would not be able to be used to increase pumping within severe groundwater level decline areas as defined by the County. Also, unlike the proposed Program, all agricultural water credit transactions would be evaluated to ensure the water credit is hydrogeologically connected to the new water use and would require a well interference analysis. This program would apply to new irrigated agricultural development overlying all groundwater basins certified at LOS III, rather than just the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin).

The Expanded Agricultural Offset Program Alternative would result in greater impacts to agricultural resources than the proposed Program. This is because this alternative would extend the Agricultural Offset program to all certified LOS III groundwater basins, and would therefore increase the amount of agricultural water offsets in the county. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Therefore, impacts related to agricultural resources would be greater than for the proposed Program, although they would remain less than significant. Alternative 3 would be potentially consistent with the County's land use policy framework, similar to the proposed Program.

- **Alternative 4 Altered Sunset Provisions.** This alternative would include the same Urban/Rural Water Offset requirements and WWP program as included in the proposed Program. In addition, this alternative would also include a simplified version of the Agricultural Offset program that applies only to the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). No Agricultural Offset

program would be implemented in the Nipomo Mesa Water Conservation Area or Los Osos Groundwater Basin under this alternative.

The only variation between this alternative and the proposed Program would be in the form of the sunset provision for both the Urban/Rural Water Offset requirements and the Agricultural Offset program. In the proposed Program, the Agricultural Offset program in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would sunset upon the adoption of a Groundwater Sustainability Plan(s) (GSP) covering the entirety of the Paso Robles Groundwater Basin, by a Groundwater Sustainability Agency (GSA). No sunset provision is currently envisioned in the proposed Program for the Urban/Rural Water Offset requirements.

Under this alternative, both the Urban/Rural Water Offset requirements and Agricultural Offset program could sunset under any one of the following conditions:

1. Upon implementation of a GSP that assures water neutrality, prohibits waste, and addresses irrigation BMPs (this differs from the proposed sunset provision of *adoption* of a GSP for the proposed Program);
2. Board of Supervisors declaration of an end to emergency drought conditions; or
3. Board of Supervisors downgrading a LOS III certified basin to LOS I or LOS II.

The Altered Sunset Provisions Alternative is potentially the most environmentally superior alternative, depending on the sunset condition selected. This alternative would modify the sunset provision for the proposed Program and would extend all possible sunset provisions to the Urban/Rural Water Offset requirement. In particular, a sunset provision under condition 1 of Alternative 4 would ensure that water neutrality and savings would occur regardless of the LOS of the groundwater basin. Condition 3 would ensure that water neutrality and savings occur until a LOS III groundwater basin has recovered to LOS II, at a minimum. Under the proposed Program, the Agricultural Offset requirement would sunset upon adoption of a GSP; it is unknown whether adoption of a GSP would accomplish the same water neutrality as under Conditions 1 and 3, particularly given the time anticipated to elapse between adoption and implementation.

<b>IX. CEQA GENERAL FINDINGS</b>
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| <p><b>A.</b> The Board of Supervisors finds that changes or alterations have been incorporated into the Program to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include one mitigation measure outlined herein and set forth in more detail in the Conservation and Open Space Element Draft and Final SEIR. There are no remaining significant effects on the environment found to be unavoidable, as described in Section VII.</p> <p><b>B.</b> The Board of Supervisors finds that there are no other changes or alterations to incorporate into the Program that would eliminate or substantially lessen significant impacts and fall under the responsibility and jurisdiction of another public agency.</p> <p><b>C.</b> The Board of Supervisors finds that the Program, as approved, includes an appropriate Mitigation Monitoring Program. This Mitigation Monitoring Program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State</p> |
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CEQA Guidelines, will be implemented as described.

- D.** The Final SEIR is adequate to support approval of the proposed Program, as approved by the Board of Supervisors, including any minor modifications or additions and any additional mitigation measures and other conditions adopted or imposed by the Board of Supervisors in the Conditions of Approval. Such minor modifications or additions, additional mitigation measures and other conditions imposed by the Board of Supervisors will enhance the social, economic, and environmental benefits of the revised Program and will not create any new significant environmental impacts or create a substantial increase in the severity of any environmental impacts. The Final SEIR is adequate for each approval.
- E.** The Board of Supervisors recognizes that the Final SEIR incorporates information obtained and produced after the Draft SEIR was completed, and that the Final SEIR contains additions, clarifications, and modifications. The Board of Supervisors has reviewed and considered the Final SEIR and all of this information. The Final SEIR does not add significant new information to the Draft SEIR that would require recirculation of the Final EIR under CEQA. The new information added to the Final SEIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that the applicant declines to adopt and that would clearly lessen the significant environmental impacts of the revised Program. The Draft SEIR was not inadequate or conclusory in nature such that the public was deprived of a meaningful opportunity to review and comment on the Draft SEIR.
- F.** Based on the above finding, the Board of Supervisors finds that the changes and modifications made to the Final SEIR after the Draft SEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.

<b>IX. MITIGATION MONITORING PROGRAM</b>
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- A.** The County of San Luis Obispo Department of Planning and Building, Permitting and Policies and Programs Divisions will be primarily responsible for ensuring that the identified mitigation measure is complied with. Mitigation will be programmed to occur at, or prior to, the following milestone for the Program.
- *On adoption by the Board of Supervisors.* The required mitigation measure must be incorporated into the text of the Program adopted by the County Board of Supervisors.
- B.** As lead agency for the Conservation and Open Space Element Final SEIR, the Board of Supervisors hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measure described herein.